

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 13-cr-30125-05-DRH

STEVEN SYMS,

Defendant.

ORDER

HERNDON, District Judge:

For the following reasons, the Court **GRANTS** the Federal Public Defender's Motion to Withdraw as Attorney (doc. 649) and **DENIES** defendant Steven Syms' Motion to Reduce Sentence (doc. 584).

On November 30, 2015, defendant Steven Syms ("Syms") filed a Motion to reduce sentence (doc. 584). In his motion, Syms seeks a reduction in his sentence based upon Amendment 782 and the retroactive changes to the drug quantity guidelines. On June 28, 2017, the case was referred to the Federal Public Defender ("FPD") pursuant to Administrative Order 176. On January 10, 2018, the Court entered an Order directing Syms to show cause, within 30 days, as to why Amendment 782 applies to his sentence and therefore, should not be denied summarily (doc. 648). Before those 30 days were over, the FPD filed a motion to withdraw his appearance (doc. 649). The FPD seeks to withdraw as "defendant has no meritorious basis for obtaining relief under 18 U.S.C. § 3582(c) and the retroactive amendment to the drug quantity guidelines" as defendant was

originally sentenced under the guidelines enacted by Amendment 782. *Id.* at 1.

Because of the FPD's motion, this Court, to give Syms every opportunity to support his motion, granted another 30 days for defendant to show cause why his sentence should be reduced (doc. 650). Specifically, the Court warned Syms that "a failure to respond will result in an uncontested denial of the defendant's request in [his] motion to reduce sentence, whereas a response by defendant will enable the Court to consider his arguments against denying his motion." *Id.* To date, Syms has failed to respond to either of the Court's directives.

Defendant Syms seeks a reduction in sentence from an amendment that he has already received the benefit of. At his sentencing hearing, the Court noted that his calculation "comes from an examination of the 2014 guidelines manual[.] . . . it's to Mr. Syms's benefit to use the 2014 guidelines manual, and so we do utilize this 2014 guidelines manual to Mr. Syms's benefit." Sentencing Transcript, pg. 6. Because Syms has already received the reduction he now seeks, the Court discerns no non-frivolous basis for his motion.

Accordingly, the Court **DENIES** Syms' motion to reduce sentence (doc. 584) and **GRANTS** the FPD's motion to withdraw (doc. 649).

IT IS SO ORDERED.

David Herndon



Judge Herndon

2018.03.16

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United States District Judge